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PTO/SB/21 (09-04) (AW 10/2004)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 8

Application Number,	10/528,793
Filing Date	March 23, 2005
First Named Inventor	Toru Miyano
Art Unit	2655
Examiner Name	To Be Assigned
Attorney Docket No.	MTS-3553US

ENCLOSURES (Check all that apply)

- Fee Transmittal Form
 - Fee Attached
- Amendment/Reply
 - After Final
 - Affidavits/Declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
 - Response to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation, Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) _____
 - Landscape Table on CD

- After Allowance Communication to TC
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below): Request Corrected Filing Receipt; Copy of Filing Receipt; Copy of Declaration/Power of Attorney; Copy of Page 2 of 3/25/05 Amendment; Return Receipt Postcard

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	RatnerPrestia		
Signature	<i>Daniel N. Calder</i>		
Printed Name	Daniel N. Calder		
Date	August 31, 2005	Registration No.	27,424

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Donna M. Wellings</i>		
Typed or Printed Name	Donna M. Wellings	Date	August 31, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Toru Miyano

Serial No.: 10/528,793

Group No.: 2655

Filed: March 23, 2005

Examiner: To Be Assigned

For: DISK APPARATUS, DISK APPARATUS CONTROLLING METHOD,
PROGRAM AND RECORDING MEDIUM (as amended)

Filing Receipt Corrections

Office of Initial Patent Examination

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error with respect to the following data:

Incorrectly entered and/or omitted

<i>Error in</i>	<i>Correct data</i>
1. <input type="checkbox"/> Applicant's name	1.
2. <input type="checkbox"/> Applicant's address	2.
3. <input checked="" type="checkbox"/> Title (as indicated in 03/25/05 Preliminary Amendment)	3. DISK APPARATUS, DISK APPARATUS CONTROLLING METHOD, PROGRAM AND RECORDING MEDIUM
4. <input type="checkbox"/> Filing Date	4.
5. <input type="checkbox"/> Serial Number	5.
6. <input type="checkbox"/> Foreign/PCT Application Reference	6.
7. <input type="checkbox"/> Other	7.

3. No fee is due.

RatnerPrestia
P. O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

Respectfully submitted,

Daniel N. Calder

Daniel N. Calder, Reg. No. 27,424

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Filing Receipt Corrections, Office of Initial Patent Examination, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 31, 2005

Donna M. Wellings
Donna M. Wellings

Enclosures: Copy of Declaration/POA
Copy of Pg. 2 of Preliminary Amendment
Copy of Filing Receipt

Amendment to the Title:

Please replace the Title with the following:

DISK APPARATUS, DISK APPARATUS CONTROLLING METHOD, PROGRAM AND
RECORDING MEDIUM

COPY

O I P E SEP 02 2005

PTO/SB/01. 02 & 04 COMBINED (08-03) AW (10-03)

**DECLARATION/
POWER OF ATTORNEY
FOR UTILITY OR DESIGN
PATENT APPLICATION**

Declaration Submitted With Initial Filing (37 CFR 1.63) Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required) Supplemental Declaration (37 CFR 1.67)

Attorney Docket Number:	MTS-3553 US
First Named Inventor:	Toru MIYANO
COMPLETE IF KNOWN	
Application Number:	To Be Assigned
Filing Date:	Herewith
Art Unit:	
Examiner Name:	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DISK APPARATUS, DISK APPARATUS CONTROLLING METHOD, PROGRAM AND RECORDING MEDIUM

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 01/21/2004 as United States Application or PCT International Application Number PCT/JP2004/000457

and was amended on (MM/DD/YYYY) _____ (if applicable). I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Yes	No
2003-013860	JAPAN	01/22/2003	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

Declaration/Power Of Attorney for Utility or Design Patent Application (continued)

I hereby appoint:

Practitioners at Customer Number **23122**

OR

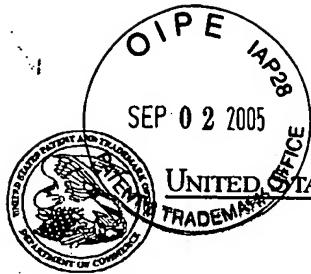
Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Direct all correspondence to:	<input checked="" type="checkbox"/> Practitioners Customer Number listed above; OR <input checked="" type="checkbox"/> Correspondence Address Below	
COPY		
Name: RatnerPrestia		
Address: P. O. Box 980		
City: Valley Forge	State: PA	Zip: 19482
Country: USA	Telephone: (610) 407-0700	Fax: (610) 407-0701
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.		

Name of Sole or First Inventor:		<input type="checkbox"/> A Petition has been filed for this unsigned inventor.	
Given Name (first and middle (if any))		Family Name or Surname	
Toru		MIYANO	
Inventor's Signature <u>Toru Miyano</u>		Date: <u>March 17, 2005</u>	
Residence: Kyoto	State:	Country: JAPAN	Citizenship: JAPAN
Mailing Address: 518-205, Koiyama-cho, Nakagyo-ku, Kyoto-shi			
Mailing Address:			
City: Kyoto	State:	Zip: 604-8163	Country: JAPAN
<input type="checkbox"/> Additional inventors are listed on the next page.			



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APPL NO.	FILING OR 371 (C) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/528,793	03/23/2005	2655	900	MTS-3553US	8	11	2

CONFIRMATION NO. 6226

FILING RECEIPT



OC000000016801621

RECEIVED

AUG 26 2005

RatnerPrestia

Date Mailed: 08/22/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Toru Miyano, Kyoto, JAPAN;

COPY

Power of Attorney: The patent practitioners associated with Customer Number 52473.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP04/00457 01/21/2004

Foreign Applications

JAPAN 2003-013860 01/22/2003

Projected Publication Date: 11/24/2005

Non-Publication Request: No

Early Publication Request: No

Title

Disk device, method for controlling disk device, program and recording medium

Preliminary Class

Disk Apparatus, Disk Apparatus Controlling
 Method, Program and Recording Medium

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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